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HAWAII LABOR RELATIONS BOARD
STATE OF HAWAII
By S. J. Bennett

Attorneys for Complainant
Director, Department of Labor
and Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of) CASE NO. OSAB 2002-36
) Inspection No. 305300097
DIRECTOR, DEPARTMENT OF LABOR)
AND INDUSTRIAL RELATIONS,) STIPULATION AND SETTLEMENT
) AGREEMENT TO WITHDRAW CITATION
Complainant,) AND NOTIFICATION OF PENALTY AND
) NOTICE OF CONTEST; EXHIBIT "A";
COSTCO WHOLESALE,) APPROVAL AND ORDER
)
Respondent.)
_____)

**STIPULATION AND SETTLEMENT AGREEMENT
TO WITHDRAW CITATION AND NOTIFICATION
OF PENALTY AND NOTICE OF CONTEST**

Complainant DIRECTOR, DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS ("Director"), and Respondent COSTCO
WHOLESALE ("Respondent"), having reached a full and complete
settlement of the above-captioned contested case presently
pending before the Hawaii Labor Relations Board "Board")
stipulate and agree as follows:

On or about July 10, 2002 through July 19, 2002,

the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located at 94-1231 Ka Uka Boulevard, Waipahu, Hawaii 96797.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty ("Citation") to Respondent on October 15, 2002, alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$1,875.00. See Exhibit "A".

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").

2. At all relevant times, Respondent maintained a workplace at 94-1231 Ka Uka Boulevard, Waipahu, Hawaii 96797.

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3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.

4. HIOSH hereby withdraws the Citation issued to Respondent on October 15, 2002 alleging a violation of standard 12-60-2(b)(2)(A)(i) and its corresponding characterization and penalty. See Exhibit "A".

5. Respondent hereby withdraws its Notice of Contest.

6. This Stipulation and Agreement to Withdraw Citation and Notification of Penalty and Notice of Contest ("Agreement") shall become a final Order of the Board upon its approval.

7. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.

8. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS

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chapter 396, the Hawaii Occupational Safety and Health Law,
or the related rules.

DATED: Honolulu, Hawaii, MAY 16 2003

COSTCO WHOLESALE

DIRECTOR, DEPARTMENT OF
LABOR AND INDUSTRIAL
RELATIONS

DAE N. ANDERSON
By: DAE N. ANDERSON
Its: _____

Nelson B. Befitel
NELSON B. BEFITEL
Director, Department of
Labor and Industrial
Relations

APPROVED AS TO FORM:

JEFFREY M. TANENBAUM
Attorney for Respondent
COSTCO WHOLESALE

APPROVED AND SO ORDERED BY
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 46

DATED: May 22, 2003

Brian K. Nakamura
BRIAN K. NAKAMURA, Chairman

Kathleen Racuya-Markrich
KATHLEEN RACUYA-MARKRICH, Member

Chester C. Kunitake
CHESTER KUNITAKE, Member

In re Director, Department of Labor and Industrial Relations
v. Costco Wholesale, Case No. OSAB 2002-36, Inspection No.
305300097, Stipulation and Settlement Agreement to Withdraw
Citation and Notification of Penalty and Notice of Contest